

MINUTES OF THE TOWN OF BIG MEETING OF NOVEMBER 17, 2010

PRESENT: Supervisor Teresa Dean
 Council Edward Fairbrother
 Marcia Hudock
 David Manchester
 Attorney Thomas Bowes
 Town Clerk Linda Cross
ABSENT: Council Mike Smith

WATER BOARD

Supervisor Dean called the Water Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

NEW BUSINESS

RESOLUTION NO. 215-10
DELINQUENT WATER DISTRICTS' CUSTOMERS APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS the Town Board has received a list of all delinquent water customers for Water Districts #1, #2, #3, and #4, dated October 27, 2010, and

WHEREAS said water customers have been notified that said delinquent bills must be paid by October 28, 2010, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board delegates authority, if necessary, to make changes to the proposed delinquent water customers list to the Account Clerk for the Water Department and the Water Systems Supervisor, and

FURTHER RESOLVED the Town Board authorizes the delinquent water customers list as of October 27, 2010 for Water Districts #1, #2, #3, and #4 be forwarded to the Chemung County Real Property Tax Services for inclusion on the 2011 tax bills.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Dean
 NAYS: None: ABSENT: Smith

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RESOLUTION NO.216-10
HUNT ENGINEERING PROFESSIONAL SERVICES
WATER TANK PAINTING APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS both water tanks were inspected and it was recommended that painting of the tanks is required, and

WHEREAS the DPW received a proposal from Hunt Engineering to perform the engineering tasks associated with painting the tanks, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Hunt Engineering to provide professional Engineering tasks associated with the design plans, specifications, bid, contract drawings, and construction inspection services to paint the water tanks for an hourly rate not to exceed a fee of twenty two thousand, six hundred eighty dollars (\$22,680) plus disbursements.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Dean
NAYS: None ABSENT: Smith

Councilperson Manchester made a motion, seconded by Councilperson Fairbrother, to adjourn the Water Board meeting at 4:41 p.m. All in favor, except Councilperson Smith was absent, motion carried.

TOWN BOARD

Supervisor Dean called the Town Board meeting to order at 4:42 p.m.

PUBLIC HEARING 4:32 p.m. Proposed Local Law #2 to Amend
Title 6-Animals, Chapter 6.04

Supervisor Dean called the public hearing to order at 4:42 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on November 8, 2010, which allowed and considered public comments regarding the proposed local law to amend Title 6-Animals, Chapter 6.04 relating to dogs.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Public Hearing at 4:43 p.m.

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CONCERNS OF THE PEOPLE – Carolyn Welliver, 107 Lyons Drive Ext., wanted to commend the Town Board member that voted to correct the Town Supervisor and Town Clerk salaries and make it right.

REPORTS

Supervisor Dean stated the following reports for October 2010 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, SPCA Monthly Report, Agriculture & Market Monthly Report, Supervisor's Fund Balance Report, Department of Public Works Monthly Report, Parks Commission Meeting Minutes, Community Center Monthly Report, Assessor's Monthly Report.

Supervisor Dean reported the following:

- Supervisor Dean and Tim Gilbert attended the Flood plain mapping out Reach meeting. FEMA has decided to start over on the remapping project. Councilperson Fairbrother also mentioned how vital this is to us. This will dictate the rates for flood insurance in our area.
- Supervisor Dean attended a meeting with fellow Town Supervisors and two representatives from the SPCA regarding the dog license changes and their loss of funding from the County. They are looking to the Town to replace some funding.

OLD BUSINESS

RESOLUTION NO. 217-10

TITLE 6- ANIMALS, CHAPTER 6.04 AMENDED

Resolution by: Fairbrother

Seconded by: Hudock

WHEREAS the Town Board received a memo from the Town Clerk regarding changes to Article 7 of the New York State Agriculture and Markets Law, and

WHEREAS the Town Board approved Resolution No. 209-10, which set a public hearing to be held on November 17, 2010 at 4:32 p.m., and

WHEREAS said public hearing was held and all those wishing to comment were allowed the opportunity, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves Local Law #2 of 2010, titled Amendment to Title 6-Animals, Chapter 6.04 relating to dogs, and directs the Town Clerk to file the amendment with the Department of State to be effective January 1, 2011.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Dean

NAYS: None

ABSENT: Smith

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RESOLUTION NO.218-10

ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Hudock

Seconded by: Manchester

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for November 2010, vouchers 10422 - 10513 and order the bills paid, when in funds, for the following:

GENERAL FUND	\$126,924.44
HIGHWAY FUND	\$284,632.34
SEWER DISTRICT	\$ 13.50
WATER DISTRICT #1	\$ 12,930.62
WATER DISTRICT #2	\$ 12,917.81
WATER DISTRICT #3	\$ 4,740.79
WATER DISTRICT #4	\$ 875.22
LIGHTING DISTRICT	\$ 590.98
TRUST & AGENCY	\$ 431.29

CARRIED: AYES: Hudock, Manchester, Fairbrother, Dean

NAYS: None

ABSENT: Smith

RESOLUTION NO. 219-10

NATIONWIDE FINANCIAL SERVICES INC. AGREEMENT APPROVED

Resolution by: Manchester

Seconded by: Fairbrother

WHEREAS the Town of Big Flats Deferred Compensation Plan has been provided administrative services by Nationwide Retirement Solutions, with Nationwide Financial Services Inc. serving as financial organization and Nationwide Trust Company serving as trustee, and

WHEREAS agreements between the Town of Big Flats and such entities to provide such services expired, and

WHEREAS proposals were received from Nationwide Retirement Solutions and Mutual of America, and

WHEREAS the Town of Big Flats has chosen to retain Nationwide as their sole provider and renew such agreements for a five (5) year period to expire December 31, 2015, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor, upon approval by the Attorney, to execute the contract renewal for the above referenced agreements with Nationwide Retirement Solutions, Nationwide Financial Services Inc. and Nationwide Trust Company for five (5) years, ending on December 31, 2015.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Dean

NAYS: None

ABSENT: Smith

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RESOLUTION NO. 220-10

BIG FLATS AMERICAN LEGION BINGO LICENSE APPROVED

Resolution by: Fairbrother

Seconded by: Hudock

WHEREAS the Big Flats American Legion submitted an application for a Bingo License, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Bingo License, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED with the Findings and Determination for Bingo License, along with the guidance and interpretation of the New York State Racing and Wagering Board, it is found the designated members conducting bingo games are of good moral character, and

FURTHER RESOLVE the Town Board approves the Application for a Bingo License, dated November 4, 2010, from the Big Flats American Legion Post 1612 to perform bingo events as outlined in the application.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Dean
NAYS: None ABSENT: Smith

RESOLUTION NO. 221-10

BOARD OF ASSESSMENT REVIEW APPOINTMENT APPROVED

Resolution by: Hudock

Seconded by: Manchester

WHEREAS Ted Dangelmaier's term as a member of the Board of Assessment Review expired September 30, 2010, and

WHEREAS Mr. Dangelmaier had expressed interest in continuing to serve on the Board of Assessment Review, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Ted Dangelmaier, 25 Green Valley Drive, Big Flats to the Board of Assessment Review with a term ending September 30, 2015.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Dean
NAYS: None ABSENT: Smith

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RESOLUTION NO. 222-10
DIRECTOR OF PLANNING RESIGNATION APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Board received a resignation letter, dated October 18, 2010, from Stephen Polzella, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Stephen Polzella, effective October 18, 2010.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Dean
NAYS: None ABSENT: Smith

RESOLUTION NO. 223-10
CONTRACT WITH TRUDE DE JONG AS THE TAI CHI INSTRUCTOR
APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS the Community Center Director has determined and recommended that a Tai Chi Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5 (c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorized the Town Supervisor to execute a service contract with Trude De Jong for the purpose of teaching Tai Chi classes at the cost of 80% of the fee charged in accordance with the terms and conditions of the agreement.

CARRIED: AYERS: Hucock, Manchester, Fairbrother, Dean
NAYS: None ABSENT: Smith

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RESOLUTION NO 224-10

PURCHASE AND INSTALLATION OF A SOUND SYSTEM FOR THE GREAT
ROOM OF THE COMMUNITY CENTER APPROVED

Resolution by: Hudock

Seconded by: Manchester

WHEREAS the Town Board wishes to improve the condition of the Community Center facility when possible, and

WHEREAS the in-house sound system is not sufficient to serve the Great Room and the equipment has not been reliable, and

WHEREAS for environmental review purposes administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c), and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the purchase and installation of a Nady wireless microphone system with (1) lapel and (1) handheld microphone, 6-8 inch ceiling speakers including parts, material wire, cables, etc., and 2 technicians for 3 hours from Benchmark Audio at a cost not to exceed \$1,599.99.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Dean

NAYES: None ABSENT: Smith

RESOLUTION NO. 225-10

BIANCA HELDT AS THE ADVENT DECORATIONS INSTRUCTOR APPROVED

Resolution by: Manchester

Seconded by: Fairbrother

WHEREAS the Community Center Director of Recreation has determined and recommended that a Advent Wreath Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Bianca Heldt for the purpose of providing instruction on how to make an Advent decoration at a cost of (rate of pay) \$25 for small decoration and \$31 for large decoration in accordance with the terms and conditions of the agreement submitted herewith.

CARRIED: AYERS: Hudock, Manchester, Fairbrother, Dean

NAYS: None ABSENT: Smith

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CORRESPONDENCE

Liquor License/Papa Dale's Restaurant and Lounge. A letter was received from William H. Dale, Owner/Manager of Papa Dale's Restaurant and Lounge dated October 21, 2010, regarding the renewal their liquor license.

Letter of Interest/ Michael Saglibene. A letter was received from Michael Saglibene, dated October 27, 2010, stating his interest in serving on the town board should vacancies become available.

Estimate Contract/SPCA. A letter was received from Barbara A. McLean, Executive Director, dated October 29, 2010, regarding the proposed 2011 contract pricing.

Letter of Interest/Shelly Cadek. A letter was received from Shelly Cadek, dated October 29, 2010, stating her interest in serving on the town board should vacancies become available.

Letter of Interest/Shawn Kerbein . A letter was received from Shawn Kerbein, dated October 29, 2010, stating his interest in serving on the town board should vacancies become available.

Letter of Interest/Thomas Osborne. A letter was received from Thomas C. Osborne, dated November 2, 2010, stating his interest in serving on the town board should vacancies become available.

Notice of Order Speed limit/State of NY Department of Transportation. A letter was received from Brian T. Nisbet, Traffic Safety Investigator for NYS DOT, dated November 1, 2010, regarding the speed limit investigation on Upson Road and requested the Town post 35 MPH.

Wireless Telecommunications Opportunities/Independent Towers Holdings LLC. A letter was received from Kory P. Fretto, VP/Partner of Independent Towers Holding LLC dated October 21, 2010, regarding an interest in leasing Municipal owned property, for marketing, reviewing application for current carrier applications, developing a tower to replace water tanks, purchasing existing/ future towers and portfolios in the Town of Big Flats.

EXECUTIVE SESSION: Supervisor Dean made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session to discuss a particular personal matter relating to the potential appointment of a particular person. All in favor except Councilperson Smith was absent, motion carried.

The Town Board entered into Executive Session at 5:11 p.m.

Supervisor Dean reconvened the Town Board meeting at 5:53 p.m.

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RESOLUTION NO. 226-10
BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER APPOINTMENT
APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS the Town Board has recognized a need for increased enforcement of the property maintenance and building codes, a need for increased staff to meet the demand for building and fire inspection and the MS4 program, and

WHEREAS Supervisor Dean, Councilperson Fairbrother, Tim Gilbert, Building Inspector/Code Enforcement Officer, and Brenda Belmonte, Secretary 1 for Building, Code and Planning duly conducted interviews, and

WHEREAS Mr. Thomas Whispel Jr. has qualified for and is eligible for hire in accordance with the Chemung County / City of Elmira Regional Civil Service Certification of Eligibles list dated August 10, 2010, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the recommendation of the Department and hereby appoints Thomas Whispel Jr., 411 Upper Oakwood Ave., Elmira Heights for the position of Building Inspector and Code Enforcement Officer, as a probationary appointment for 36 weeks effective November 29, 2010 to said position consistent with Civil Service Law at the rate of \$35,000.00 per year, receive full town benefits and be entitled to the benefits of and subject to the terms and conditions of the Town Employee Handbook, as amended, and

FURTHER RESOLVED the Town Supervisor is hereby authorized to complete and sign the appropriate report of Personnel Change and Extended Payroll Certificate (RPC) for this hiring.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Dean
NAYS: None ABSENT: Smith

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RESOLUTION NO. 227-10
BUILDING INSPECTOR / CODE ENFORCEMENT OFFICER
APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Director of Planning has resigned effective October 18, 2010, and

WHEREAS the Town Board takes notice of the restrained economic climate of the State of New York, and

WHEREAS the Town Board has thoroughly reviewed the organizational layout of the Town and weighed the costs and benefits to the Town of each of the positions within the Town Departments, and

WHEREAS the Town Board, in conducting its organizational review, has taken the best interests of the Town's fiscal condition into account, and finds it necessary to not appoint a Director of Planning, and

WHEREAS it had been determined that the Town enact cross-training and shared services between the Departments, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED after much deliberations, the Town Board assigns the responsibilities of the Planning and Zoning Departments to Timothy Gilbert, Building Inspector / Code Enforcement Officer retroactive to October 18, 2010, and

FURTHER RESOLVED the Town Board recognizes the additional evening meetings, responsibilities, and duties set forth and hereby determines that the salary for Mr. Timothy Gilbert be set at \$48,000.00 annually retroactive to October 18, 2010.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Dean
NAYS: None ABSENT: Smith

Since there was no further business to come before the Town Board, Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to adjourn the Town Board meeting at 5:56 p.m. All in favor except Councilperson Smith was absent, motion carried.

Date approved: _____

Linda Cross
Town Clerk